



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning and Development
D. M. Sugimura, Director

CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF PLANNING AND DEVELOPMENT

Application Number: 2401273
Applicant Name: Ron Meckler for Cingular Wireless, LLC
Address of Proposal: 83 South King Street

SUMMARY OF PROPOSED ACTION

Master Use Permit to establish use for installation of a minor communication utility (Cingular Wireless), consisting of six panel antennas (two antennas free standing, four mounted to a elevator and stair penthouse wall) all on the roof top of an existing administrative office building). The project also includes locating accessory equipment cabinets on a 247 square foot concrete pad enclosed within a screening wall on the roof top.

The following approval is required:

Administrative Conditional Use - To allow a minor communication utility extend beyond four feet of the roof top in a special review, historic and landmark district.

SEPA DETERMINATION: ☒ EXEMPT ☐ DNS ☐ MDNS ☐ EIS

☐ DNS with conditions

☐ DNS involving non-exempt grading or demolition
involving another agency with jurisdiction.

* Project revised to include Administrative Conditional Use component on May 24, 2004 during review of construction only application.

BACKGROUND DATA

Site Location and Description

The subject property is located on the north third of a block that is bounded by Railroad Way South to the west, South King Street to the north, and First Avenue South to the west in the Pioneer Square neighborhood. The site is nearly square in shape and encompasses a land area of approximately 38,730 square feet in the Pioneer Square Mixed (PSM) zone with a height limit of 85-120 feet (commercial use only structures are precluded from exceeding 85 feet). Additionally, the subject site is located within the Pioneer Square Urban Center Village Area Overlay District. The development site is nearly a flat lot with an existing building that occupies most of the development site, except for a small wedge shaped portion located near the site's southwest corner and the south 69 feet.

The site is currently developed with a 7 - story brick (administrative) office building (the former Seattle Hardware Building). Constructed in 1904, the building's design is influenced Romanesque architecture, with its dark brick façade with a forest green band separating the street frontage from the upper level. The Fenestration consists of uniform vertical columns, with the top floor featuring semi-circular accented framed windows. The main entrance is located along the South King Street frontage towards the middle of the building. The roof top features an assortment of mechanical devices some enclosed within screening walls, an equipment penthouse, and stair and elevator penthouses. The screening walls are painted (medium toned green) to match the building's south façade.

The surrounding area is marked by structures typical of the Pioneer Square Historic District with extensive use of brick, fenestration, storefront windows at the ground floor, strong cornice lines and other similar features. The site is also located immediately north of the Flatiron Building, a structure designated as a City of Seattle Landmark, requiring concurrent review by the Historic Preservation Officer under City of Seattle SEPA Policies, SMC 25.05.675H2d. The site is located immediately to the East of an elevated portion of State Highway 99, also known as the Viaduct. To the southeast across First Avenue South is 4-story residential building (The Florentine) due west of Qwest Stadium surface parking lot. Zoning in the vicinity include PSM 100 across the King Street to the north, Industrial Commercial with a sixty-five feet height limit (IC-U/65) to the south, and General Industrial One with an eighty-five feet height limit for certain uses (IG1-U/85).

Proposal Description

This Master Use Permit (MUP) application proposes to establish use for the installation of a minor communication utility (Cingular Wireless) on the rooftop of an existing 7 story administrative office building. The proposed facility will consist of six (6) panel antennas, two will be located in simulated penthouse structure emulating other existing roof top features on the building; the two antennas each will be mounted to the face of the structure's stair and elevator penthouse. The applicant has proposed to install three accessory equipment cabinets on the roof top enclosed within a screening partitions designed to simulate the existing building's features architecture on the roof. All of the radio cabinets and antennas are proposed to be completely enclosed within RF-transparent, fire rated panel screens.

Public Comment

Date of Notice of Application : June 3, 2004

Date End of Comment Period: June 16, 2004

Letters

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Issues:

The comment letter addressed concerns that size of the proposed antennas and equipment cabinets on the roof top of the existing building may result negatively on the visual “sky views” of surrounding properties.

ANALYSIS AND CRITERIA - ADMINISTRATIVE CONDITIONAL USE

Section 23.57.014.B of the Seattle Municipal Code (SMC) provides that a minor communication utility may be permitted in a Special Review, Historic and Landmark District as an Administrative Conditional Use permit when the establishment or expansion of a minor communication utility regulated pursuant to Section 23.57.002, meets the development standards of subsection C and the requirements of this section enumerated below:

1. The location the roof tops is preferred, set back toward the center of the roof as far as possible. If a roof top location is not feasible, communication utilities and accessory communication devices may be mounted on secondary building facades. Siting on primary building facades may be permitted only if the applicant shows it is impossible to site the devices on the roof or secondary façade. Determination of primary and secondary building facades will be made by the appropriate board or commission.

The applicant's has proposed to exceed the four (4) foot height allowance for minor communication utilities on the roof top of a structure located within a Special Review, Historic and Landmark District per the aforementioned code citation. The existing (administrative) office building currently extends to the maximum height limit of 85 feet for commercial use buildings within the zone. The roof top features extend to a maximum height of 21.7 feet (mechanical penthouse) above the roof top. The parapet walls extend up to four (4) feet above maximum height, while other roof top features including, stair penthouses are allowed to extend up to 15 feet above the maximum height. All roof top features combined are less than the coverage limit of twenty-five (25) percent.

The proposed Cingular Wireless communication utility is planned to be located entirely on the roof top of the existing structure. The equipment cabinets will be mounted on a metal skid and will be installed adjacent to the elevator penthouse's west wall, approximate center of the roof top. Four of the antennas are proposed to be mounted to the existing elevator and stair penthouses. Two antennas will be attached to the stair penthouse and will be approximately 23 feet from the building's south façade, 69 feet from the south property line. The second set of two antennas will be mounted to the elevator penthouse and will be approximately 19 feet the building's north façade and property line. To remaining two antennas will be installed on a roof mounted skid and will be located approximately 15 feet from the building's east façade and property line. The justification for the siting of the roof top panel antennas is to allow for effective signal transmission and not exceed the 15 foot height limit for roof top features. The top of the antennas when mounted to the penthouses will not exceed the height of the existing roof top feature. The application chose to install four (4) antennas in practical locations to obtain effective signal coverage with existing roof top features near the center of the building where practical. The two antennas mounted on a steel frame, at a distance of 15 feet from the south and east property line is

required to meet transmit and receive signals for ground level receivers. Additional height will be required if the antenna sector were to moved further away from building's edge.

The accessory equipment cabinet and associated devices will be screened behind materials approved by the Pioneer Square Preservation Board painted to match surrounding roof top colors. The roof top coverage area is less than twenty-five (25) percent with the addition of the communication utility and is setback as much as feasible for providing effective reception coverage. Therefore, this proposal does satisfy this criterion by location the communication utility as much as possible towards the center of the roof.

2. *Communication utilities and accessory communication devices shall be installed in a manner that does not hide, damage or obscure architectural elements of the building or structure.*

The applicant has designed the size, shape and materials of the proposed utility to minimize negative visual impacts on adjacent or nearby residential areas to the greatest extent possible in a manner that does not negatively impact architectural elements, but simulates existing roof top features. The proposal is designed to resemble the existing treatments including colors on the roof in order to effectively screen and camouflage the antenna and equipment cabinet locations. The proposed faux form screening of the antennas and related equipment would blend with the color of the building and is a condition of approval of this permit.

On April 7, 2004, pursuant to the authority granted under SMC 23.66, The Pioneer Square Preservation Board conditionally approved the requested installation of a minor communication utility at 83 South King Street (PSB 102/04). The two conditions identified in the Certificate of Approval (see below) will be placed at the end of this decision:

- I. All equipment and screening elements shall be painted out to match the color of the adjacent rooftop features. The paint finish shall be mat, not shiny.
- II. Pursuant to SMC Section 23.57.004, any minor communication facility that is not operated for a period of twelve (12) months shall be considered abandoned. For those utilities deemed abandoned, all equipment, including but not limited to antennas, poles, towers, and equipment shelters associated with the utility or accessory communication device shall be removed within twelve (12) months of the cessation of operation. Irrespective of any agreement among them to the contrary, the owner or operator of such unused facility, or the owner of the building or land upon which the utility is located, shall be jointly and severally responsible for the removal of the abandoned utilities.

The proposed minor communication utility received approval from Pioneer Square Preservation Board and the State of Washington, Office of Archaeology and Historic Preservation (051204-04-FCC) confirming that the proposed installation would not adversely effect the character of the defining features that qualify the (former) Seattle Hardware Building and the Pioneer Square Historic District for listing in

the National Register of Historic Places. DPD concurs with the above findings. Therefore, this provision is met.

3. *Visibility shall be further minimized by painting, screening, or other appropriate means, whichever is less obtrusive. Creation of false architectural features to obscure the device is discouraged.*

As proposed, the minor communications utility will not constitute a visually adverse intrusion that will be substantially detrimental to the architectural character of the existing building. Where feasible the applicant has proposed to mount the communication equipment to existing structures with extended façade treatments to match existing roof top features. The stand alone antenna skid encased within a faux penthouse structure is designed to resemble other structures on the roof top. The submitted documents and plans note that the addition of the proposed antennas and accessory equipment devices are encased within camouflage screening covers resembling façade materials to match other roof top features. From most angles the communication devices will not be visible from the street due in part to the building's height. A line of site study from the sidewalk of the abutting South King and First Avenue rights-of-way clearly demonstrated no visual impacts.

The proposal is designed to be camouflaged on the roof top with minimal impact on surrounding properties. No false architectural features are proposed for this project, and the proposed color palette will be consistent with existing roof top colors. Therefore, this proposal does comply with the criterion.

SUMMARY

The proposed project is consistent with the administrative conditional use criteria of the City of Seattle Municipal Code as it applies to wireless communication utilities. The facility is minor in nature and will not be detrimental to the surrounding area while providing needed and beneficial wireless communications service to the area.

The proposed project will not require the expansion of public facilities and services for its construction, operation and maintenance. The site will be unmanned and therefore will not require waste treatments, water or management of hazardous materials. Once installation of the facility has been completed, approximately one visit per month would occur for routine maintenance. No other traffic would be associated with the project.

The Federal Communications Commission (FCC) has pre-empted state and local governments from regulating personal wireless service facilities on the basis of environmental effects of radio frequency emissions. Furthermore, the proposal is exempt from review under Seattle's Environmental Policy Act (SEPA).

The applicant has submitted a "Statement of Federal Communication Commission Compliance for Personal Wireless Service Facility" and an accompanying "Affidavit of Qualification and Certification" for this proposed facility giving the calculations of radio frequency power density at roof and ground levels expected from this proposal and attesting to the qualifications of the Professional Engineer who

made this assessment. This complies with the Seattle Municipal Code Section 25.10.300 that contains Electromagnetic Radiation standards with which the proposal must conform. The Department's experience with review of this type of installation is that the EMR emissions constitute a small fraction of that permitted under both Federal standards and the standards of SMC 25.10.300 and therefore, pose no threat to public health. Warning signs at every point of access to the transmitting antenna shall be posted with information of the existence of radiofrequency radiation.

DECISION - ADMINISTRATIVE CONDITIONAL USE PERMIT

This application to install a minor communication utility in a Special Review, Historic and Landmark Districts, which extends beyond four feet of the roof top height, is **Conditionally Approved**.

CONDITIONS - ADMINISTRATIVE CONDITIONAL USE

Prior to Issuance of Master Use Permit

The owner(s) and/or responsible party(s) shall

1. Revise plans to demonstrate that all antennas and support structures are designed and painted to blend with the materials and color (non-glare) of the existing colors associated with the roof top. All antennas shall be shrouded within a screening facing material as per the Certificate of Approval (PSB 102/04).
2. Add the conditions of the Certificate of Approval (PSB 102/04) to the plans.

Signature: _____ (signature on file) Date: October 18, 2004
Bradley Wilburn, Land Use Planner
Department of Planning and Development
Land Use Services

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